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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 DEANGELO A GREEN,

11 Plaintiff,

12 v.

13 MARGARET GILBERT, MICHAEL
14 GLEASON, JOHN DOE, JANE DOE,

15 Defendants.

CASE NO. 3:17-CV-05898-RBL-DWC

ORDER GRANTING LEAVE TO FILE
AMENDED COMPLAINT

16 The District Court has referred this action, filed pursuant to 42 U.S.C. § 1983, to United
17 States Magistrate Judge David W. Christel. Plaintiff DeAngelo Green, proceeding *pro se*, filed
18 two Motions requesting permission to amend his Amended Complaint. Dkt. 13, 15 (“First
19 Motion to Amend” and “Second Motion to Amend”). He also attached a proposed amended
20 complaint to his Second Motion to Amend. *See* Dkt. 15, pp. 6-33. Plaintiff states the proposed
21 amended complaint is his final amended complaint. *See* Dkt. 15.

22 Initially, the Court finds the First Motion to Amend is mooted by the Second Motion to
23 Amend. In the First Motion to Amend, Plaintiff provided statements he wished to have included
24 in the Amended Complaint. Dkt. 14. However, after filing the First Motion to Amend, Plaintiff

1 filed the Second Motion to Amend, with an attached proposed amended complaint. Dkt. 15.
2 Plaintiff states the proposed amended complaint attached to the Second Motion to Amend is his
3 final amended complaint. *See* Dkt. 15, p. 1. Therefore, the Court finds Plaintiff's First Motion to
4 Amend (Dkt. 14) is mooted by the Second Motion to Amend and proposed amended complaint.

5 The remaining matter is whether Plaintiff is allowed to proceed with the proposed
6 amended complaint. *See* Dkt. 15. Pursuant to Rule 15(a) of the Federal Rules of Civil
7 Procedure,

8 ***(1) Amending as a Matter of Course***

9 A party may amend its pleading once as a matter of course within: (A) 21 days
10 after serving it, or
11 (B) if the pleading is one to which a responsive pleading is required, 21 days
after service of a responsive pleading or 21 days after service of a motion
under Rule 12(b), (e), or (f), whichever is earlier.

12 ***(2) Other Amendments***

13 In all other cases, a party may amend its pleading only with the opposing
party's written consent or the court's leave. The court should freely give leave
when justice so requires.

14 Plaintiff filed an Amended Complaint on December 30, 2017. Dkt. 12. As such, he cannot amend
15 as a matter of course. However, Defendants have not been served in this case. Therefore, the
16 Court finds it appropriate to allow Plaintiff to file a second amended complaint.

17 Accordingly, Plaintiff's First Motion to Amend (Dkt. 14) is denied as moot. Plaintiff's
18 Second Motion to Amend (Dkt. 15) is granted. Plaintiff's proposed amended complaint, attached
19 to his Second Motion to Amend (Dkt. 15, pp. 6-33), is hereby deemed filed as Plaintiff's Second
20 Amended Complaint. *See* Dkt. 15. The Clerk is directed to separately docket Plaintiff's proposed
21 amended complaint (Dkt. 15, pp. 6-33) as Plaintiff's Second Amended Complaint.

22 Plaintiff also filed a Motion for Awareness with his Second Motion to Amend. *See* Dkt.
23 15. Plaintiff does not request relief in the Motion for Awareness, but provides an explanation
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1 about the filing of the proposed amended complaint. As Plaintiff is not requesting relief, the
2 Motion for Awareness (Dkt. 15) is denied as moot.

3 Dated this 26th day of January, 2018.

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6 David W. Christel
7 United States Magistrate Judge
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